

FORM PTO-1390
(REV. 1-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

MSKP031USNP

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

09/381556INTERNATIONAL APPLICATION NO.
PCT/US98/05505INTERNATIONAL FILING DATE
20 MARCH 1998PRIORITY DATE CLAIMED
21 MARCH 1997

TITLE OF INVENTION

RAPID PRODUCTION OF AUTOLOGOUS TUMOR VACCINES BY USING HSV AMPLICON VECTORS

APPLICANT(S) FOR DO/EO/US

FONG ET AL.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

Copy of the Abstract from the original application

U.S. APPLICATION NO. 09/381556 (if none, see 37 CFR 1.53)				INTERNATIONAL APPLICATION NO. PCT/US98/05505		ATTORNEY'S DOCKET NUMBER MSKP031USNP	
17. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1070.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$930.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$790.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$720.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$98.00 ENTER APPROPRIATE BASIC FEE AMOUNT =						CALCULATIONS PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).						\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE				
Total claims	40 - 20 =	20	x \$22.00			\$ 360	
Independent claims	4 - 3 =	1	x \$82.00			\$ 78	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$270.00			
TOTAL OF ABOVE CALCULATIONS =						\$ 1108	
Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				+			
SUBTOTAL =						\$ 1108	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).							
TOTAL NATIONAL FEE =						\$ 1108	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +							
TOTAL FEES ENCLOSED =						\$ 1108	
						Amount to be refunded:	\$
						charged:	\$

a. ☒ A check in the amount of \$ 1108 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0610. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:
Oppedahl & Larson LLP
P.O. Box 5270
Frisco, CO 80443-5270

Nancy J. Parsons
SIGNATURE

Nancy J. Parsons
NAME

40,364
REGISTRATION NUMBER

09/381556
514 Rec'd PCTO 21 SEP 1999

MSKP031USNP
PATENT APPLICATION

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Fong, et al.
Serial No.: TO BE ASSIGNED
(National Phase of PCT/US98/05505)
Filed : HEREWITH
For : Rapid Production of Autologous Tumor Vaccines by
Using HSV Amplicon Vectors

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10

Title of Papers -TRANSMITTAL LETTER TO U.S. DESIGNATED
OFFICE CONCERNING A FILING UNDER 35
USC 371
-PRELIMINARY AMENDMENT
-CHECK #5423 FOR \$1108.00
-Abstract

"Express Mail" Mailing Label
Number EL362857560US

Date of Deposit September 21, 1999

I hereby certify that these papers and fee are being deposited with
the United States Postal Service "Express Mail Post Office to Addressee"
service under 37 C.F.R. 1.10 on the date indicated above and is addressed to
the Assistant Commissioner for Patents, BOX PCT, Washington, D.C. 20231.

Nancy J. Parsons
(Typed or Printed Name of Person
mailing paper or fee)

Nancy J. Parsons
(Signature of Person mailing
paper or fee)